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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,784	07/24/2001	Motohiro Yamashita	P21288	3548

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EXAMINER

BERCK, KENNETH A

ART UNIT PAPER NUMBER

2879

DATE MAILED: 07/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/910,784

Applicant(s)

YAMASHITA, MOTOHIRO

Examiner

Ken A Berck

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-12 and 14-21 is/are rejected.
- 7) ☒ Claim(s) 4 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5-12 and 14-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Martelli et al. (US 5508586).

Regarding claim 1, Martelli discloses a vacuum container having a getter, a getter support including a control plate member (15), a support leg (16) and a holder (11) arranged at a spreading direction of the getter material.

Regarding claim 2, Martelli discloses the control plate member (15) has a hollow space (fig 2), the holder holds the getter with its spreading side located at an opening of the hollow space of the control plate member and the control plate member is fixedly anchored by the support leg in the vacuum container (fig 4).

Regarding claim 3, Martelli discloses (fig 2a) the control plate arranged for permitting the getter material to reflect at least two times.

Regarding claim 5, Martelli discloses (fig 2) the control plate has an opening of the hollow space arranged to have a polygonal shape in cross section.

Regarding claim 6, Martelli discloses the getter support is made of at least a metallic material.

Regarding claim 7, Martelli discloses having a plurality of getter supports (18, 11).

Regarding claim 8, Martelli discloses the support leg <sup>THAT</sup> holds a plurality of control plate members. *As*

Regarding claim 9, Martelli discloses a display device having a getter, a getter support including a control plate member (15), a support leg (16) and a holder (11) arranged at a spreading direction of the getter material.

Regarding claim 10, Martelli discloses an electron emitter substrate (fig 3, column 1, lines 45-46) having at least a pattern of wiring layer, electron emitter elements, insulating layers, and lead electrodes provided on a glass substrate, a light emitter substrate having at least anodes and fluorescent layers and a spacer between the substrates.

Regarding claim 11, Martelli discloses (fig 2) the control plate member has a hollow space, the holder holds the getter with its spreading side located at an opening of the hollow space of the control plate member and the control plate member is fixedly anchored by the support leg in the vacuum container.

Regarding claim 12, Martelli discloses the control plate arranged for permitting the getter material to reflect at least two times.

Regarding claim 14, Martelli discloses the control plate has an opening of the hollow space arranged to have a polygonal shape in cross section.

Regarding claim 15, Martelli discloses the support is provided between the substrates and the opening of the control plate member (18) is at least not smaller than the size of the getter (19).

Regarding claim 16, Martelli discloses the getter support is made of at least a metallic material.

Regarding claim 17, Martelli discloses having a plurality of getter supports.

Regarding claim 18, Martelli discloses the support leg holds a plurality of control plate members.

Regarding claim 19, Martelli discloses the support is located on the outer side of the display area.

Regarding claim 20, Martelli discloses the getter supports are provided opposite to each other via a display area.

Regarding claim 21, Martelli discloses the exposed getter faces the electron emitter elements and the support is provided between the getter and the electron emitter elements.

#### ***Allowable Subject Matter***

Claims 4 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record neither shows nor suggests the control plate being a combination of a conical shape and a cylindrical shape with the longitudinal cross

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section including a vertex and a center of a base of the conical shape with the angle at the vertex of the control plate member is equal to or smaller than two times a reverse tangent of the side of the cylindrical shape divided by the base of the conical shape of the angle defined by the two sides, and the spreading side of the getter is held by a holder to stay within an isosceles triangle of which the base is equivalent to the base of the cylindrical shape, in combination with other claim limitations.

### Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ken A Berck whose telephone number is (703)305-7984. The examiner can normally be reached on Mon-Fri 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on (703)305-4794. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-7382 for regular communications and (703)308-7382 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

kab  
June 30, 2003

✓  
Vip Patel  
PRIMARY EXAMINER  
ART UNIT 2879